

Payson City Council Meeting  
Wednesday, November 18, 2015

**ROLL CALL:** Councilmember's; Mike Hardy, Kim Hancock, Scott Phillips, Jolynn Ford, and City Manager David Tuckett; City Attorney Mark Sorenson; Taking minutes Trista Bird. Councilmember Larry Skinner arrived at 5:13 p.m. Mayor Moore arriving at 5:51 p.m.

**5:00 p.m. WORK SESSION I-15 EIS UPDATE**

Loretta Markham with UDOT presenting the update, she mentioned that she was here in July explaining the Payson Main Street Interchange EIS project. She explained that they are going through their alternative analysis. There have been several changes since July 2015. They are about to initiate a public open house that will be held on 12-3-15 from 4:00 to 7:00 p.m. at the Payson City Center Banquet Hall. They have had series of agency group meeting such as EPA, Army Corp and other federal agencies. There may need to be a 404 study completed. She explained that ultimately it is the federal highway's decision.

Discussion was held on the four (4) proposed alternatives.

Councilmember Ford asked about the additional interchange requirements.

Ms. Markham explained that the guidelines require one mile spacing between interchanges; however there are ways and circumstances to get around those requirements.

Councilmember Skinner said he doesn't see anything better than a Level B rating on the proposed alternatives and he is wondering if there is no alternative better than a Level B.

Ms. Markham explained that a Level B rating is actually pretty fantastic in the traffic flow arena.

Councilwoman Ford asked about full relocation vs. partial relocation. Would commercial property be worth more to relocate than residential?

Ms. Markham indicated yes.

Councilmember Hardy asked about the turning radius's on the alternatives and if those are sufficient.

Ms. Markham indicated yes.

Councilmember Ford asked if the wetlands impact is expensive.

Ms. Markham explained that it ends up costing land and it is based on property values.

Councilmember Skinner said that in one of the alternatives it includes round-a-bouts. He asked Ms. Markham her opinion on round-a-bouts

She said that for traffic flow they work pretty well. There is a learning curve that takes place to navigate them.

Councilmember Skinner asked if UDOT was going to precede today with this project which alignment would they prefer. Do they have a preference?

Ms. Markham said that they do not have a preference; this process is all about the public input.

Councilmember Hancock said that he is looking at the cost and each one of the alternatives is in the millions. He wondered if the cost in millions was taking into account the cost of relocation.

Ms. Markham said that the relocation is included in the cost. She said the cost is based on the Utah County tax information.

Councilmember Hardy said with all of these relocation alternatives, none of them will help our historic downtown. He wondered if that is taken into consideration.

Ms. Markham said of course. If what they hear during the public process from the citizens is preservation of the historic downtown then yes they will consider this. They consider social impacts; everything is taken into consideration in great detail.

Ms. Markham explained that UDOT is trying to make the presentation she showed them tonight available on their website prior to the public hearing on December 3, 2015 so that the public can go look at the alternatives.

Councilmember Ford asked how many alternatives they want to narrow it down to after the December 3, 2015 public meeting

Ms. Markham said it just depends on the public input. Her guess would be four (4) or less.

City Attorney Mark Sorenson mentioned that in their meeting earlier today one of the committee members had brought in an idea for an alternative and it was one of the ones that were presented tonight. He explained that it is still flexible and the gathering of information is being used to present new concepts and new ideas.

Councilmember Ford asked Dave to make sure the UDOT open house is on the cities website and the facebook page.

#### **REGULAR MEETING BEGAN AT 6:11 P.M.**

**PRAYER & PLEDGE OF ALLEGIANCE:** Councilmember Ford gave the prayer. Councilmember Phillips led the Pledge of Allegiance.

#### **CONSENT AGENDA**

**MOTION** by Councilmember Skinner to approve the consent agenda. Second by Councilmember Ford. Motion carried.

**PUBLIC FORUM:** Opened at 6:14 p.m.

No public comment

Public forum closed a 6:14 p.m.

#### **STAFF REPORTS**

Tracy Zobell – said that they have been working on the Christmas Lights at Peteetneent.

The golf course received snow on Monday and they really want it to melt so that they can put the fungicide on.

He mentioned that Gladstan has had the busiest November ever. Season golf passes ended November 15.

Councilmember Phillips asked Tracy how his surgery went. Tracy said well.

Councilmember Skinner said that he has seen the bids we have received for the pump house. He wanted to know what we are building there because that is a lot of money.

Public Works Director Jockumsen - said that because they are watering the golf course with it there is a lot of things that go into it. He said that the estimate was way under the engineer's estimate.

Mr. Jockumsen also said Payson is above on snow equivalent and water. There is currently 12 inches of snow up Payson Canyon.

City Manager David Tuckett - mentioned that staff is reviewing the cell phone contract they have with our current provider, which is Sprint. He explained that there have been some issues with Sprint and the towers going down. He said that Verizon has put a bid together that is a little cheaper than Sprint and so we may be terminating our contract with Sprint and moving to Verizon.

Councilmember Skinner asked if we are going to be hit with a lot of cancellation fees.

City Manager Tuckett said that the billing cycle ends December 4, 2015 and we are trying to make a decision before then.

Police Chief Bishop - said that the police department has finally slowed down a little bit in the last two weeks.

Officer of the year this year was Jay Hurst and the Officer of the quarter was Glen Carlson.

December 12, 2015 will be Shop with a Cop, if anyone knows of a family who would be in need of this let him know. He also said that they are taking donations as well.

Councilmember Ford asked if they have coordinated with Kim Lefler to see if they have any families that may be in need.

Chief Bishop said that he will coordinate with Mrs. Lefler.

Payson High School basketball games start December 1, 2015 and they will be having an officer present at the games.

Chief Bishop mentioned that they have worked with the street department to put signs up for the temple people to use the temple parking. He hopes this will solve the problem that they have been having.

There are three (3) officers currently going through the Mental Health Crisis Training. He said that will leave about six (6) officers left to complete the training and then they will all be certified.

Councilmember Ford mentioned that she read an article about mental health and the different communities around and how they are trying to deal with these issues. She said that there are a few pilot programs out there that are dealing with mental health issues on a different level rather than criminally.

Councilmember Skinner asked when the stop light at 1400 South and HWY 198 will be completed.

Chief Bishop said probably late next summer.

Fire Chief Scott Spencer - said that they have completed the testing on all their pumps.

He explained that we do not currently meet our fire flow requirements at the High School and we will not ever be able to meet them until the High School installs a fire sprinkling system.

Student Council report by McKenna Charles There hasn't been an active youth council for awhile and they are just getting things going again so last time was their first meeting. He said that a few of them met with Mayor Moore last week and it was about the Cities and Counties working together. They met with Mayor Moore last week and it was about the Cities and the Counties meeting together.

## **COUNCIL REPORTS**

Councilmember Phillips – would like to thank the streets crews and everyone who helped fix Turf Farm Way. It looks great.

Councilmember Hancock – Utah Lake Commission will hold their meeting tomorrow at 7:30 am.

He mentioned that he drives north on main street every morning quite early. There is a trailer there with a snowmobile that has been parked on the east side of north main, approximately 450 North Main and it is in a dangerous position.

Councilmember Ford – Payson Band won state championship and there were two (2) fire trucks there to greet them when they got back in town. She said that there were some left over

fireworks from a firework vendor so the fire department lit those off. She said it was a great time and she appreciates the fire department for doing this.

Councilmember Hardy – He enjoyed the firework show also.

NO SCOUTS IN ATTENDANCE TONIGHT

#### **PROCLAMATION – COWBOY POETRY**

City Manager Tuckett said that the Cowboy Poetry Association is asking if the city would proclaim January 3 through January 9, 2016 as Cowboy Poetry week. They are going to have a program here and he believes this year it is going to be held at the Veterans facility.

**MOTION** by Councilmember Hancock to sign the proclamation for Cowboy Poetry week. Second by Councilmember Hardy. Motion carried.

#### **AMENDMENT TO INTER-LOCAL STRENGTHENING FAMILY AGREEMENT**

Mrs. Kim Lefler explained that last year they applied for a \$15,000.00 grant from Utah County for training and classes. She said that she had \$5,000.00 left over from that grant and she would like to use that to hold another session of classes.

**MOTION** by Councilmember Ford to authorize the proposed amendment to the Strengthening Families Agreement. Second by Councilmember Phillips. Motion carried.

Mayor Moore would suggest that McKenna from the Student Council be here at every meeting to update them on what they have been doing.

Councilmember Hardy suggested maybe once a month.

#### **DISCUSSION REGARDING EVERBRIDGE COMMUNICATION**

City Manager Tuckett explained that we have been using Parlant as our mass communication system. The Mayor and Scott Spencer have been working with the county on a new system that would be county wide. He feels like it is important to enter into this communication system

with the county. He is asking the council to approve this inter-local agreement with the county. He said that this will be \$4,000 per year and Parlant was \$10,000.

Councilmember Skinner asked if this means that the citizens will be getting countywide notifications as well as citywide.

City Manager Tuckett explained that there is a program where people can sign up to get what notifications they want. If there is an emergency we can set it city wide no matter what. With this opt in feature then people are choosing the information they want to receive.

Chief Spencer explained that if you live in California and you want to opt in on our Salmon Supper notifications then it will push it out to them.

This will start December 1, 2015. The website is [alerts.utahcount.gov](http://alerts.utahcount.gov).

Councilmember Phillips asked what they do not provide that Parlant does.

Manager Tuckett said they don't have a mobile app but that is something they have told us they would work on getting.

**MOTION** by Councilmember Hardy to approve the Mayor to sign the inter-local agreement with Everbridge Communication and to sign Resolution # 11-18-15. Second by Councilmember Phillips. Motion carried.

## **PUBLIC HEARING – PROPOSED AMENDMENTS TO TITLE 19, ZONING ORDINANCE AND TITLE 20 SUBDIVISION ORDINANCE**

**MOTION** by Councilmember Phillips to open the public hearing. Second by Commissioner Hardy. Motion carried.

Public hearing opened at 6:47 p.m.

Planner Spencer presented information on the proposed changes to Title 19 and Title 20

Planner Spencer explained that the proposal they are reviewing tonight is a hybrid between Spanish Fork, Santaquin and Springville. She mentioned that Payson's was the strictest.

Planner Spencer presented some Site Examples ie: Ron's Tires, Liberty Safe, Carters Glass, El Mercadito, Intermountain Motors, Wright Chiropractic, Mt. Nebo Law, The Blindman Building, Olson's Garden Shoppe and Jolly Joes.

Councilmember Phillips asked why we can't look at these on a case by case basis because every parcel is different.

City Attorney Sorenson explained that you have to treat everyone equally. Looking at things on a case by case basis can become arbitrary and capricious.

Mr. Jeff Carter, owner of Carter's Glass said that this affects him. He said that it took him 9 months to find a renter and 2 minutes to lose him. He said that he doesn't have the money to make the required improvements to his property. He would be looking at three (3) years of rent just to pay for asphalt. He has a piece of property that is useless to him if the ordinance doesn't change. He is very frustrated. This is his retirement and now he can't do anything with it.

Councilmember Phillips asks whose responsibility it is to put curb, gutter, and sidewalk there.

Mr. Carter said that it wasn't required when he moved in. At his residence in Springville he had ten (10) years to pay for it.

Councilmember Hardy said that he feels like we have a big problem on our hands. We are blighting properties and putting a burden on property owners.

The Mayor said that in his case if there are no rules for improvement then the property next to his business would not have to solve their storm drain issue.

Councilmember Hardy said we have a reputation for being hard and difficult to work with and if we don't change our ordinances then we will continue to be the hardest to place to start a business.

Mr. Carter said that he spent two (2) hours on social media defending Payson and now he is wondering why he did.

Councilmember Phillips said that we want to work with businesses but there has got to be a solution to improve property.

Mayor Moore said that he agrees with him but he has to look at his end of the deal.



Mr. Carter said that Payson City is good for making empty buildings.

Mayor Moore asked what his recourses are if the ordinance does change and the property next to him doesn't have to solve their problem. He is forced to hire an attorney who will charge him a whole bunch of money. Attorneys are too expensive to hire.

Councilmember Skinner asked City Attorney Sorenson if we can do variances on individual properties.

City Attorney Sorenson explained that variances are mandated by state law and there are strict requirements that have to be met, variances are hardly ever granted. He explained that staff has discussed the option of having a "deferral" of the requirements.

Mayor Moore said that when they built their shop they had to bring everything out to the road but when someone came in next door they weren't required to do it and now they get all of the neighbor's water onto their lot.

City Attorney Sorenson explained that we are in a growth mode and we are experiencing these things before we have the rooftops and the economy to support the changes. We do need to have the trigger points in place but it is the City's place to decide where and when they come into play.

Mr. Greg Johnson, owner of Mt. Nebo Law. They purchased the building in 2014 and recently it has been brought to his attention by a very vocal neighbor that there are some issues with the parking stalls. When he purchased the property he thought he would be able to use all of the parking. He explained that he was able to purchase the building and obtain a business license with no issues. He wasn't aware that there were parking issues on the lot. He would request that there be some kind of allowances made for the business owner to make the improvements and to work in conjunction with the City. Mr. Johnson cited a section of the ordinance stating a change of use or intensity of use. He would ask for some reasonableness on both sides. If there are some mandates which businesses do you point to change and which businesses do you give some leeway on. He feels like there could be some legal issues.

Councilmember Phillips asked who authorized this parking in the first place.

Street Superintendent Kent Fowden said that it was long before his time.

Mr. Brian Hulet said that if a business is coming in and wanting to rent a building and put in a similar use then there shouldn't be any trigger points to do improvements. He wondered if we could have trigger points be if there is a documented problem with the property such as the issue with the Mayor Moore's neighbor

**MOTION** by Councilmember Phillips to close the public hearing. Second by Councilmember Hancock. Motion carried.

Public hearing closed at 7:29 p.m.

**MOTION** by Councilmember Phillips to make this a work session item and take a field trip to some sites here and Spanish Fork to see what they have done to solve this issue. Second by Councilmember Ford. Motion Carried.

Councilmember Skinner said that we have to have standards and things that we can look for unique situations.

Councilmember Phillips asked why Best Deal Springs was able to gravel their addition.

Planner Spencer explained that is because it is for storage and not parking. She also explained that where the ordinance is flexible staff has been able to come up with solutions; however where it is black and white staff has no flexibility.

Councilmember Hardy said that he would like to involve the Planning Commission. He said that there has got to be a way to make our ordinances more flexible so that we can keep and recruit businesses there.

Councilmember Phillips would like Mr. Fowden at the work session also.

**MOTION** by Councilmember Phillips to open the public hearing. Second by Councilmember Hardy. Motion carried.

Public hearing opened at 7:37 p.m.

Planner Spencer said that they could table the amendment to Title 20, Subdivision also for the next meeting. It is not time consuming or they could make a motion tonight if they are comfortable with the proposed changes.

**MOTION** by Councilmember Hardy to close the public hearing. Second by Councilmember Phillips. Motion carried.

Public hearing closed at 7:38 p.m.

Councilmember Hardy mentioned that this varies throughout the county.

Planner Spencer said that we are on the low end.

**MOTION** by Councilmember Phillips to approve the increase from 10 to 15 on the ingress/egress and authorize the Mayor to sign. Second by Councilmember Hardy. Councilmember Hancock votes naye. Motion Carried.

#### **PRESENTATION ON THE RESPONSIBILITIES OF DEVELOPMENT SERVICES DEPARTMENT**

Public Works Director Travis Jockumsen gave a presentation on the duties and responsibilities of the Development Services Department.

Councilmember Hancock asked if it would take a full time employee to front end load the software they are proposing to purchase.

Mr. Jockumsen said that we would send them our files and they would update it. It would do a lot for us that we currently can't keep up with.

#### **DISCUSSION REGARDING PARTNERING WITH MOUNTAIN VIEW HOSPITAL'S WELLNESS PROGRAM**

City Manager Tuckett said that Mountain View Hospital approached the City about partnering with them to help encourage our employees to be healthy. We currently have a once a year assessment with PEHP but this would be a more in depth assessment and give us more resources. He explained that it would be \$15.00 per employee that signs up. He feels like this would be a good thing and worth the money that we would spend.

Councilmember Ford asked if we get any benefits through our insurance.

City Manager Tuckett explained that this is not through our insurance. We still have the one through PEHP.

Councilmember Skinner pointed out that if you have a healthier work force then it can affect our premiums in a positive way.

**MOTION** by Councilmember Hardy to support the effort to work with Mountain View Hospital and the wellness program and provide the money they need. Second by Councilmember Phillips. Motion carried.

#### **DISCUSSION REGARDING THE TOUR OF UTAH**

Planner Spencer said that at the last Council meeting the Tour of Utah came through and discussed whether we wanted to be a host city for the Tour of Utah. Some of the latest discussion amongst the councilmember's was the financial burden. Planner Spencer said that they got confirmation from Susan Johnson with the Quality Inn that she will offer the 60 rooms and Payson won't have to pay any money outside of the city.

Councilmember Ford asked if the City has enough staff and resources to do this.

Councilmember Phillips asked if we will be involving overtime.

Tracy Zobel said that yes it will affect the overtime budget.

Planner Spencer said that most of the time will be during work days and she is asking all departments to help and pull resources together. She said that it depends on the committee that is formed to help.

Councilmember Skinner said that this is a great event and the exposure that it brings to our community. But he is curious of all this exposure that we got did we get any positive phone calls of people wanting to locate their business to Payson. He is just curious what benefit did we get out of the 2013 race. He is ready to support this but he has concerns with what benefit we really did get.

Councilmember Hardy feels like this is a positive thing and a good thing to help change the perception of Payson City.

Councilmember Hancock said that he is luke warm on this issue. He feels like a lame duck Councilmember. He doesn't feel like he has a right to strap a new council with a commitment of this nature. He was deeply impressed with Doug Welton's ideas through the emails that they have been having regarding this issue. He thanked Mr. Welton for his ideas. He is going to vote in favor of an opportunity.

Mr. Hulet said that so far they have donations between \$7500 and \$8500 committed to this from the business community.

Councilmember Phillips said that he feels like all of this should be done through donations.

City Manager Tuckett said that they have talked to the Tour of Utah about entering into an agreement with them about bringing the race to Payson three (3) times over the next nine (9) years. He would suggest that the council at least appropriate the \$10,000 because once we commit then we are obligated to cover the cost. We need a motion of support before we can do a budget amendment.

Mayor Moore asked the councilmember's elect their opinions on whether or not we should be a host City for the Tour of Utah.

Mr. Doug Welton is in favor of being a host city. He feels like it is a step towards positive growth.

Mr. Hulet is in favor of being a host city.

Ms. Linda Carter thinks it is a good thing if we can guarantee that we get some recognition out of it.

Councilmember Phillips asked where they get the food from for the VIP tent.

City Manager Tuckett said that they did send out RFP's to some of the local restaurants. Magelby's won the RFP and that is who provided the food last time.

**MOTION** by Councilmember Hardy to proceed with Payson being a host city for the Tour of Utah and to move forward with a budget amendment for the \$10,000. Second by Councilmember Ford. Motion Carried unanimously.

Motion to adjourn 8:21 p.m.